

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**LORIE DUFF**  
*Plaintiff,*

**vs.**

**FRONTIER AIRLINES, INC. AND  
ABM AVIATION, INC.**  
*Defendants.*

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**C.A. 4:20-cv-3430**

**DEFENDANT ABM AVIATION, INC.'S NOTICE OF REMOVAL**

Defendant ABM Aviation, Inc. ("Defendant") files this Notice of Removal to the United States District Court for the Southern District of Texas, Houston Division pursuant to 28 U.S.C. §§ 1441, 1446 and Local Rule 81, and hereby remove this action from the 125<sup>th</sup> Judicial District Court of Harris County, Texas, respectfully showing as follows:

**I. NATURE OF ACTION**

1. This is a personal injury action in which plaintiff seeks recovery for alleged bodily injuries purportedly sustained on or about March 5, 2020, while deplaning an aircraft at George Bush Intercontinental Airport ("IAH") in Houston, Texas.

2. Complete diversity exists between the Plaintiff and Defendants.

3. All Defendants consent to removal.

**II. REMOVAL JURISDICTION**

4. Defendant timely filed this Notice of Removal within 30-days of receipt of information that the case is removable pursuant to 28 U.S.C. § 1446(b)(3).

5. The United States District Court for the Southern District of Texas possesses

jurisdiction because of diversity jurisdiction under 28 U.S.C. § 1332 and this Court is the proper Court in which to remove this action because this district and division embrace the place in which the removed action was pending. *See* 28 U.S.C. § 124(b)(2).

6. The Plaintiff for purposes of removal resides in Montgomery County, Texas as may be determined from Plaintiff's Original Petition.

7. At the time the Petition was filed, and at the time of removal, Frontier Airlines, Inc. was and is a corporation incorporated and existing under the laws of the State of Delaware, with its principal place of business at its headquarters in Denver, Colorado.

8. At the time the Petition was filed, and at the time of removal, ABM Aviation, Inc. was and is a corporation incorporated and existing under the laws of the State of Georgia, with its principal place of business at its headquarters in Atlanta, Georgia.

9. Plaintiff's Original Petition seeks monetary damages over \$200,000 satisfying the amount in controversy provision of 28 U.S.C. § 1332(a). *See* Plaintiff's Original Petition page 2.

10. Accordingly, this Court has original jurisdiction pursuant to 28 U.S.C. §1332 and may be removed to this Court by United pursuant to 28 U.S.C. §1441(b).

11. Defendants have complied with all applicable provisions of 28 U.S.C. §1441 and §1446, the applicable Federal Rules of Civil Procedure, and the Local Rules of this Court.

12. Pursuant to Local Rule 81, copies of all required documents are attached to this Notice of Removal as follows:

- a. Exhibit A – Civil Cover Sheet;
- b. Exhibit B – Index of Matters Being Filed;
- c. Exhibit C – Case Docket Sheet;

- d. Exhibit D – Plaintiff’s Original Petition and Request for Disclosure;
  - e. Exhibit E – Proof of Service for Frontier Airlines, Inc. (Process);
  - f. Exhibit F – Proof of Service for ABM Aviation, Inc. (Process);
  - g. Exhibit G – Defendants Frontier Airlines, Inc. and ABM Aviation, Inc.’s Original Answer and Affirmative Defenses;
  - h. Exhibit H – List of All Counsel of Record.
13. Defendants will give written notice of this filing as required by 28 U.S.C. § 1446(d).
14. A copy of this notice will be filed with the clerk of the 125<sup>th</sup> Judicial District Court of Harris County, Texas as required by 28 U.S.C. § 1446(d).

### III. CONCLUSION

WHEREFORE, Defendant ABM Aviation, Inc. respectfully requests that this action proceed in this Court as an action properly removed to it.

Respectfully submitted,

ROSE LAW GROUP PLLC

/s/ Marc Michael Rose\_\_\_\_\_

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**COUNSEL FOR DEFENDANT ABM  
AVIATION, INC.**

**CERTIFICATE OF SERVICE**

This is to certify that on October 5, 2020, a true and correct copy of the foregoing document was served by electronic service on:

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/s/ Marc Michael Rose  
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